

KENNETH SCHMITT
Town Supervisor

TOWN OF CARMEL
TOWN HALL

ANN SPOFFORD
Town Clerk

SUZANNE MC DONOUGH
Town Councilwoman
Deputy Supervisor

60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 • Fax (845) 628-6836
www.carmelny.org

KATHLEEN KRAUS
Receiver of Taxes

MICHAEL A. BARILE
Town Councilman
JOHN D. LUPINACCI
Town Councilman
JONATHAN SCHNEIDER
Town Councilman

MICHAEL SIMONE
Superintendent of Highways
Tel. (845) 628-7474

TOWN BOARD VOTING MEETING
Wednesday, October 16, 2019, 7:00pm

Pledge of Allegiance – Moment of Silence

6:00pm Executive Session:

1. Supervisor Schmitt - Discussion of Perspective Vendors-Master Plan & Code Revisions
2. Councilman Lupinacci – Update on PBA Negotiations
3. Police Chief Michael Cazzari– Personnel Budget F/Y 2020
4. Michael Simone, Hwy. Sup. – Personnel Budget F/Y 2020
5. Richard Franzetti, PE, Town Engineer – Personnel Budget F/Y 2020

Town Board Voting Meeting:

- Accept Town Board Minutes September 18 and 25, 2019
 - 1. Res: Adopting the (Amended) Tentative Budget as the Preliminary Budget
 - 2. Res: Authorizing the Scheduling of Public Hearing in Connection with the Preliminary Budget (November 6, 2019)
 - 3. Res: Authorizing Additions to the Active List of the Mahopac Volunteer Fire Department
 - 4. Res: Authorizing Adopting Revised Town of Carmel Election District Map
 - 5. Res: Authorizing Payment for Purchase of Clay Sycamore Park Baseball Field
 - 6. Res: Authorizing Release of Retainage and Substitution of Bond Carmel Water District #9 Distribution System Upgrades Contract #C242
 - 7. Res: Authorizing Payments for Repairs
 - 8. Res: Authorizing Payment for Professional Services Town Hall Video/Control Room Upgrades
 - 9. Res: authorizing Award of Contract for Purchase of Bulk Road Salt – Town of Carmel Highway Department
 - 10. Res. Authorizing Advertising for Bids Highway Department Materials
 - 11. Res: Accepting Proposal and Authorizing Purchase of In-Place Recycling Town of Carmel Highway Department
 - 12. Res: Releasing Bond TM#65.17-1-15
 - 13. Res: Appointing Counsel – Small Claims Proceedings
 - 14. Res: Authorizing Commencement of Litigation
 - 15. Res: Amending October 2, 2019 Resolution Accepting Proposal for Special Counsel
 - Public Comment (Three (3) Minutes on Agenda Items Only)
 - Town Board Member Comments
- Open Forum:**
- Public Comments on New Town Related Business (Three (3) Minutes Maximum for Town Residents, Property Owners & Business Owners Only)
 - Town Board Member Comments
 - Adjournment

RESOLUTION #1

RESOLUTION ADOPTING THE (AMENDED) TENTATIVE BUDGET AS THE PRELIMINARY BUDGET

RESOLVED, that the Town Board of the Town of Carmel hereby adopts the Town Supervisor's Tentative Budget (as amended by the attached schedules) as the Preliminary Budget for fiscal year 2020.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #2

RESOLUTION AUTHORIZING THE SCHEDULING OF PUBLIC HEARING IN CONNECTION WITH PRELIMINARY BUDGET

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the scheduling of a Public Hearing in regard to the Preliminary Budget for fiscal year 2020 including the General Town Fund, Highway Funds as well as all Water Districts, Sewer Districts, Park Districts, Fire Districts, Fire Protection Districts, Garbage District and Lighting Districts; and

BE IT FURTHER RESOLVED that said Public Hearing shall be held on the 6th day of November, 2019 at Town Hall, 60 McAlpin Avenue, Mahopac, New York at 7:00 PM or as soon thereafter that evening as possible, at which all interested persons shall be heard; and

BE IT FURTHER RESOLVED that the proposed salaries of the following officials for fiscal year 2017 shall be advertised, as required by Section 108 of the Town Law of the State of New York, as follows in said notice:

Town Supervisor \$127,296.00;
Town Clerk \$97,063.20;
Town Highway Superintendent \$131,539.20;
Town Council Members\$22,276.80;

BE IT FURTHER RESOLVED that Town Clerk Ann Spofford is hereby authorized and directed to publish the Notice of said Public Hearing in the official newspapers of the Town a minimum of five (5) days prior to November 6, 2019, and

BE IT FURTHER RESOLVED that the Town Clerk of the Town of Carmel is hereby authorized and directed to post the Notice of said Public Hearing on the Town Bulletin Board a minimum of five (5) days prior to November 6, 2019; and

BE IT FURTHER RESOLVED that a copy of the preliminary budget be available at the Office of the Town Clerk where it may be inspected by any interested person during office hours.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #3

RESOLUTION AUTHORIZING ADDITIONS AND DELETIONS TO THE ACTIVE LIST OF THE MAHOPAC VOLUNTEER FIRE DEPARTMENT

RESOLVED that the Town Board of the Town of Carmel hereby authorizes the addition of the following names to the active list of the Mahopac Volunteer Fire Department:

Theodore J. Martine
Gerard J. Kick
Ariel Munoz
Ashley Munoz
Sean Mullins

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #4

RESOLUTION ADOPTING REVISED TOWN OF CARMEL ELECTION DISTRICT MAP

WHEREAS the Lake Secor Community House has been eliminated as a polling location within the Town of Carmel; and

WHEREAS as a result of growth and re-distribution of population, it becomes necessary periodically to alter and reconfigure the election districts within the Town of Carmel so as to assure that each election district does not contain more than the maximum number of registered voters permitted by law; and

WHEREAS, as a result of the foregoing, a new election district map for the Town of Carmel has been prepared;

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Carmel hereby adopts the Map entitled, "Election District Map, Town of Carmel", dated October, 2019 as the official Election District Map of the Town of Carmel.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #5

RESOLUTION AUTHORIZING PAYMENT FOR PURCHASE OF CLAY SYCAMORE PARK BASEBALL FIELD

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town of Carmel Director of Recreation and Parks James R. Gilchrist, hereby authorizes acceptance of proposal and payment for delivery of ballfield clay to the Sycamore Park ballfields to Carriere Materials, LLC, Port Chester, NY in the amount of \$9,082.50, in accordance with the invoice/proposal dated August 10, 2019; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #6

RESOLUTION AUTHORIZING RELEASE OF RETAINAGE AND SUBSTITUTION OF BOND CARMEL WATER DISTRICT #9 WATER DISTRIBUTION SYSTEM UPGRADES CONTRACT C-242

RESOLVED that the Town Board of the Town of Carmel, hereby authorizes release of contract retainage on the above contract to Brennan Construction Co. in relation to the above contract in the amount of \$64,820.38: and

BE IT FURTHER RESOLVED that such release of contract retainage is subject to and expressly conditioned upon the receipt of properly executed releases of liens from Brennan Construction Co., Inc., its subcontractors etc., together with a duly executed affidavit of no liens from Brennan Construction Co., Inc., as well as all other documents required by the contract C-242 specifications in regard to final payment, all as in form acceptable to Town Counsel; and

BE IT FURTHER RESOLVED that such release of contract retainage is further subject to and conditioned upon receipt of a duly-executed maintenance bond guaranteeing and indemnifying the Town of Carmel and Carmel Water District #9 against all defects in materials and/or workmanship with respect to the improvements performed by Brennan Construction Co under said Contract C242 for a period of one (1) year, in form acceptable to Town Counsel.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

RESOLUTION #7

RESOLUTION AUTHORIZING PAYMENT FOR REPAIRS

RESOLVED, the Town Board of the Town of Carmel, acting as Commissioners of the various water and sewer districts of the Town of Carmel, and upon the recommendation of Town Engineer Richard J. Franzetti, hereby authorizes the following payments for repairs performed within the referenced districts:

Vendor Name	Services Rendered	Authorized Amount
All Makes Pump & Motor Repair Yorktown Heights, NY	Carmel Sewer District #2 Grinder Pump Repair Invoice: September 19, 2019	\$5,180.00
All Makes Pump & Motor Repair Yorktown Heights, NY	Carmel Sewer District #2 Grinder Pump Purchase (2) Invoice: September 19, 2019	\$5,050.00
Bee & Jay Plumbing Mahopac, NY	Carmel Water Dist #4 Well pump replacement Invoice: September 26, 2019	\$5,230.40

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget revisions to effect payment for the aforesaid repair authorizations.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #8

RESOLUTION AUTHORIZING PAYMENT FOR PROFESSIONAL SERVICES TOWN HALL VIDEO/CONTROL ROOM UPGRADES

RESOLVED THAT the Town Board of the Town of Carmel, upon recommendation of Town Engineer Richard J. Franzetti, P.E. authorizes payment of the sum of \$7,687.50 to Alesca Productions, Inc., Mahopac, NY, for services rendered in connection with the Town of Carmel Video Room/Control Room updates and upgrades; and

BE IT FURTHER RESOLVED, that Town Comptroller Mary Ann Maxwell is hereby authorized to make any and all necessary budget transfers or modifications required to fund the cost of this authorization

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #9

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PURCHASE OF BULK ROAD SALT TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes the award of bid contract for purchase of bulk road salt for the Town of Carmel Highway Department for the period commencing retroactive to September 1, 2019 through August 31, 2020 to Morton Salt, Inc., Chicago, IL under Putnam County Office of Purchasing Contract No. No. PC67022 at the price of \$84.54 per ton.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #10

RESOLUTION AUTHORIZING ADVERTISING FOR BIDS HIGHWAY DEPARTMENT MATERIALS

RESOLVED that, pursuant to the request of Michael Simone, Town of Carmel Highway Superintendent, the Town Board of the Town of Carmel hereby authorizes Town Clerk Ann Spofford to advertise for bids for the purchase of the following items for fiscal year 2018:

- Sand
- Guide Rail
- Winter Mix
- Waste Wood Processing

BE IT FURTHER RESOLVED that the Highway Superintendent is to furnish detailed specifications for the above to the Town Clerk to be used in conjunction with the Town's general bid conditions and specifications.

Resolution

Offered by: _____

Seconded by:_____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	___	___
Jonathan Schneider	___	___
John Lupinacci	___	___
Suzanne McDonough	___	___
Kenneth Schmitt	___	___

RESOLUTION #11

RESOLUTION ACCEPTING PROPOSAL AND AUTHORIZING PURCHASE OF IN-PLACE RECYCLING TOWN OF CARMEL HIGHWAY DEPARTMENT

RESOLVED THAT the Town Board of the Town of Carmel, upon the recommendation of Town of Carmel Highway Superintendent Michael Simone, hereby authorizes purchase of In-Place Recycling of Asphalt Pavement for the period of December 1, 2017 through November 30, 2019 from Highway Rehabilitation Corp., Brewster, NY under Putnam County Bid No. RFB-41-17.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #12

RESOLUTION RELEASING BOND TM # 65.17-1-15 –232 EAST LAKE DRIVE

WHEREAS application has been made by Karl Thimm for the total release of a bond posted in accordance with Chapter 131 and/or Chapter 156 of the Town Code regarding the property known and designated as Town of Carmel Tax Map 65.17-1-15; and

WHEREAS said applications have been reviewed by the Planning Board and The Office of the Town Engineer, both of which have recommended the release of said bonds;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Carmel hereby authorizes the release of the bond posted by applicant and referenced herein specifically in the amount of \$6,900.00.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #13

RESOLUTION APPOINTING COUNSEL SMALL CLAIMS PROCEEDINGS

RESOLVED, the Town Board of The Town of Carmel hereby appoints Joseph A. Charbonneau, Esq. 3 Starr Ridge Road, Brewster, NY as counsel for the Town of Carmel in the matters Plath vs. The Town of Carmel and DiFusco vs. The Town of Carmel, both pending in the Town of Carmel Justice Court, Small Claims Part; and

BE IT FURTHER RESOLVED, that said legal services are hereby approved at a rate of \$205.00 per hour.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #14

RESOLUTION AUTHORIZING COMMENCEMENT OF LITIGATION

RESOLVED, that the Town Board of the Town of Carmel hereby authorizes Town Counsel Gregory L. Folchetti, 1875 Route Six, Carmel, NY, to commence litigation pursuant to Article 78 of the Civil Practice Law and Rules and/or Article 30 of the Civil Practice Law and Rules with respect to the establishment, fixing and/or the imposition of rates, charges, fees etc. for the use of water from Lake Gleneida by Carmel Water District #2 and/or its ratepayers, said litigation to include the City of New York, State of New York and any other party necessary for such proceedings as defendants and/or respondents; and;

BE IT FURTHER RESOLVED that Town Counsel is hereby authorized to withdraw the Town of Carmel and Carmel Water District #2 pending party-status petition in the administrative proceeding before the New York State Department of Environmental Conservation regarding Upstate Water Rates imposed by the New York City Water Board, known OHMS Case No. 201671203, and

BE IT FURTHER RESOLVED, that such services are hereby authorized at a rate of \$205.00 per hour.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	YES	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____

RESOLUTION #15

RESOLUTION AMENDING OCTOBER 2, 2019 RESOLUTION ACCEPTING PROPOSAL FOR SPECIAL COUNSEL

WHEREAS, on Oct 2, 2019, the Town Board engaged the Law Firm of Cozen O'Connor as set forth in the October 2, 2019 Resolution Accepting Proposal for Special Counsel; and

WHEREAS, Town Supervisor Kenneth Schmitt has recommended that Suzanne McDonough act as the Town representative with respect to the oversight and direction of the engagement; and

WHEREAS, Suzanne McDonough is the Deputy Town Supervisor.

NOW THEREFORE, it is hereby resolved that the aforesaid resolution is amended nunc pro tunc to designate Deputy Town Supervisor Suzanne McDonough as the Town's client representative and point of contact on the engagement, subject to further action by the Board.

Resolution

Offered by: _____

Seconded by: _____

<u>Roll Call Vote</u>	<u>YES</u>	<u>NO</u>
Michael Barile	_____	_____
Jonathan Schneider	_____	_____
John Lupinacci	_____	_____
Suzanne McDonough	_____	_____
Kenneth Schmitt	_____	_____